

ESTTA Tracking number: **ESTTA331729**

Filing date: **02/11/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | | | |
|---------|--|-------------|----------------|
| Name | Matthew T. Horan | | |
| Entity | Individual | Citizenship | UNITED KINGDOM |
| Address | 43a School Road Oldland Common Bristol, BS306PH UNITED KINGDOM | | |

| | |
|----------------------|---|
| Attorney information | Boris Umansky Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Suite 4900 Chicago, IL 60601 UNITED STATES bumansky@leydig.com, trademark@leydig.com Phone: 312-616-5600 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 77805398 | Publication date | 01/12/2010 |
| Opposition Filing Date | 02/11/2010 | Opposition Period Ends | 02/11/2010 |
| Applicant | Palmer, Reed P. P.O. Box 3452 Scottsdale, AZ 85271 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| Class 025. All goods and services in the class are opposed, namely: Ballet shoes; Ballet slippers; Footwear |
| Class 035. All goods and services in the class are opposed, namely: Retail store services featuring footwear, ballet slippers, ballet shoes, and footwear accessories |

Grounds for Opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

Mark Cited by Opposer as Basis for Opposition

| | | | |
|----------------------|-----------|-----------------------|------------|
| U.S. Application No. | 77869600 | Application Date | 11/10/2009 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | ROLLASOLE | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: Footwear; clothing, namely, dresses, jackets, coats, jumpers, sweaters, scarves, ties, vests, shirts, t-shirts, shorts, skirts, pants, sweatshirts, sweatpants, swimwear, loungewear, underwear; headgear, namely, hats and caps |

| | |
|-------------|--|
| Attachments | 77869600#TMSN.jpeg (1 page)(bytes) Notice of Opposition to ROLLASOLES (App. Serial No. 77805398).pdf (29 pages)(5051496 bytes) |
|-------------|--|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-----------------|
| Signature | /Boris Umansky/ |
| Name | Boris Umansky |
| Date | 02/11/2010 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|-----------------------|---|-----------------------|
| MATTHEW TIMOTHY HORAN |) | |
| |) | Opposition No. |
| |) | |
| Opposer, |) | |
| |) | Mark: ROLLASOLES |
| v. |) | |
| |) | |
| REED P. PALMER |) | Serial No. 77/805,398 |
| |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

Opposer, Matthew Timothy Horan (hereinafter referred to as “Opposer”), an individual and citizen of the United Kingdom, believes he will be damaged by registration of the mark shown in Application Serial No. 77/805,398 filed by Reed P. Palmer (hereinafter referred to as “Applicant”), which application was published in the Official Gazette on January 12, 2010, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the Managing Director of Rollasole Limited, and launched the “ROLLASOLE” branded footwear products in the summer of 2008.
2. Opposer has sold thousands of such products in the U.S. since that time through various trade channels, including his website and retail store found at www.rollasole.com.
3. Opposer has received tens of thousands of visits from users in the U.S. to his website.
4. Additionally, Opposer and his company have extensively advertised and promoted the products offered under the “ROLLASOLE” mark, and have built up substantial goodwill associated with that mark.

5. Opposer's "ROLLASOLE" footwear products have received significant television, print and Internet press coverage in the U.S., most notably in features on ABC Good Morning America (<http://abcnews.go.com/Video/playerIndex?id=7925981>), the New York Daily News (http://www.nydailynews.com/lifestyle/fashion/2009/08/25/2009-08-25_rollasoles_flat_shoes_sold_in_vending_machines_offer_relief_to_stiletto clad_cl.html), NBC Nightly News (<http://www.nbcnewyork.com/around-town/shopping/Vending-Machine-Keeps-the-Party-Going.html>), the popular celebrity blogger Perez Hilton's site (<http://perezhilton.com/2009-06-15-flat-fashion>), and the LA Times. See Exhibit 1 attached hereto for some additional media coverage.

6. Applicant seeks to register the mark "ROLLASOLES" as a mark for the following goods and services:

Ballet shoes; Ballet slippers; Footwear, in International Class 25 and

Retail store services featuring footwear, ballet slippers, ballet shoes, and footwear accessories, in International Class 35,

as evidenced by the publication of the mark in the Official Gazette January 12, 2010 issue.

7. Applicant filed his application for the mark "ROLLASOLES," Serial No. 77/805,398, on August 14, 2009 based on intent-to-use under Section 1(b) of the Lanham Act.

8. Applicant's application for a mark virtually identical to Opposer's mark not only identifies footwear products, but also ballet shoes and slippers.

9. As seen on Opposer's website found at www.rollasole.com and on the various websites listed in Paragraph 5 and attached as Exhibit 1, Opposer's product sold under his "ROLLASOLE" mark is a type of ballet flat.

10. Upon information and belief, Applicant became aware of Opposer's "ROLLASOLE" footwear product as a result of Opposer's extensive promotional efforts and

significant media coverage, and intended to take advantage of the goodwill associated with Opposer's mark by misappropriating this mark and filing his own trademark application, simply adding the letter "s" to the end.

11. Opposer has been using the mark "ROLLASOLE" in the United States in connection with footwear since as early as June 2008, a date prior to any priority date to which Applicant is entitled.

12. Said use has been valid and continuous since its date of first use and has not been abandoned. Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the fact that the parties' respective marks are virtually identical and their goods and services are complementary, closely related and/or overlapping, it is alleged that Applicant's mark so resembles Opposer's mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

13. Opposer owns a pending trademark application for the mark "ROLLASOLE," Serial No. 77/869,600, for use in connection with "Footwear; clothing, namely, dresses, jackets, coats, jumpers, sweaters, scarves, ties, vests, shirts, t-shirts, shorts, skirts, pants, sweatshirts, sweatpants, swimwear, loungewear, underwear; headgear, namely, hats and caps," in Class 25, filed on November 10, 2009 based on a foreign registration under Section 44(e) of the Lanham Act. See Exhibit 2 attached hereto.

14. Given the identical nature of the marks and the overlapping identification of goods and services in both parties' applications, Opposer believes it quite likely that the USPTO will suspend his application, Serial No. 77/869,600, based on Applicant's filing of a prior pending intent-to-use application for the mark "ROLLASOLES."

15. If Applicant is granted the registration herein opposed, he would thereby obtain at least a *prima facie* exclusive right to the use of his mark. Such registration would be a source of damage and injury to Opposer, and would likely stand in the way of Opposer's good faith attempt to register his mark "ROLLASOLE."

16. In view of the above, Applicant is not entitled to federal registration of his alleged mark "ROLLASOLES" as Opposer has priority of use of the virtually identical "ROLLASOLE" mark in commerce in connection with identical goods and services.


17. By reason of all the foregoing, Opposer will be gravely damaged by the registration of Applicant's mark.

WHEREFORE, by his undersigned attorneys, Opposer, Matthew Timothy Horan, respectfully requests that this Notice of Opposition be sustained and that registration of the mark "ROLLASOLES", Serial No. 77/805,398, be refused.

Please charge the filing fee of \$600, and any deficiencies, to USPTO deposit account No. 12-1216.

Respectfully submitted,

Date: February 11, 2010



Boris Umansky
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601
(312) 616-5600
Attorneys for Opposer

CERTIFICATE OF FILING AND SERVICE

This Notice of Opposition is being filed electronically pursuant to the ESTTA system. The fee of \$600 required in §2.6(a)(16) is enclosed. The Commissioner is authorized to charge payment of any additional fees associated with this filing or credit any overpayment to Deposit Account No. 12-1216. Opposer's Notice of Opposition is being served by certified mail, return receipt requested on Applicant's counsel of record as shown in the correspondence record in the Office, as follows:

Josh Gerben, Esq.
Gerben Law Firm, PLLC
1615 L St. NW, Ste. 1350
Washington, Dc 20036-5668

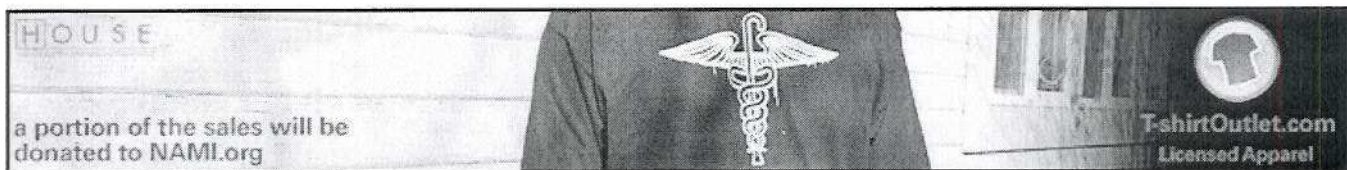
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EXHIBIT 1

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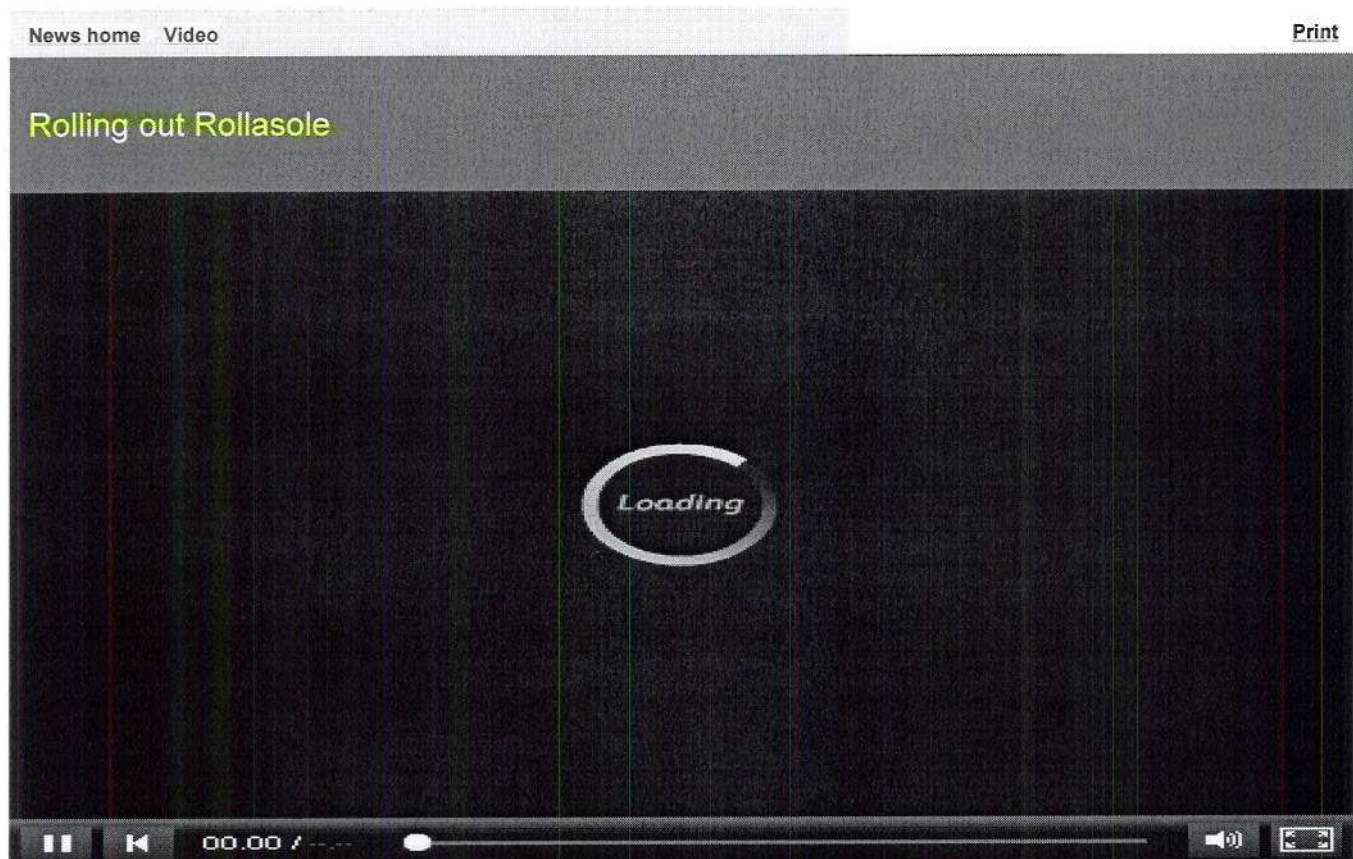
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Created to give stiletto wearing women a comfortable walk home, 'Rollasole' creator Matt Horan is taking his invention to the US.

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What San Francisco needs now: Rollasole

By SF Fashion Shopping Examiner, Cynthia
Anderson

June 2, 4:16 PM



Rollasole, the insanely genius emergency-
flat-shoe vending machines that are causing
a stir in nightclubs all over the U.K. first came

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to my attention when my super-stylish pal Erica, who happens to write the funniest Brooklyn-Based blog on the web, sent me a message via twitter that read simply "OMG! **THE BEST THING EVER EMERGENCY FLATS!!**!"

One look at the adorable shimmery ballet slippers in their cute mini tote, and their super affordable price tag of 5£ (about \$8 US), and I knew she was right.

For anyone who has ever thrown common sense to the wind and headed out for the DNA Lounge (or Vessel, or Mighty) in their new to-die-for-Jimmy Choos, only to be forced into admitting hours later that yes, 6-inch s tiletos DO hurt to dance in, no matter how fabulous they are, Rollasole are the best thing ever invented, period.

Even for those of us who occasionally misjudge how long we will be standing on our feet during the day, or how hard the concrete flooring in our loft-ish office space really is, Rollasole are the best thing ever invented, period.

I'd even hazard a guess that for tourists, who pick the wrong shoe from their case before heading out for a day of sight-seeing, Rollasole are the best thing ever invented, period.

Company owner Matt Horan said he was inspired to create rollasole when he watched his girlfriend suffer in high heels as nights out wore on. "It seemed like a simple solution for a common problem" Matt told me via e-mail, "I initially sold just in vending machines, based on the fact that when women are getting ready they won't always worry about how much their feet will hurt later in the night. The vending machine route seemed the logical solution."

While rollasoles are not yet available in San Francisco, **the company does have an online shop, and plans to expand into the U.S. with club vending machines in the near future.** For more information about the company, or to let them know how much we need the product in San Francisco, log on to the Rollasole website .

Got a tip about a secret sale, or a local boutique that needs my attention? E-mail me at stylewylde@gmail.com

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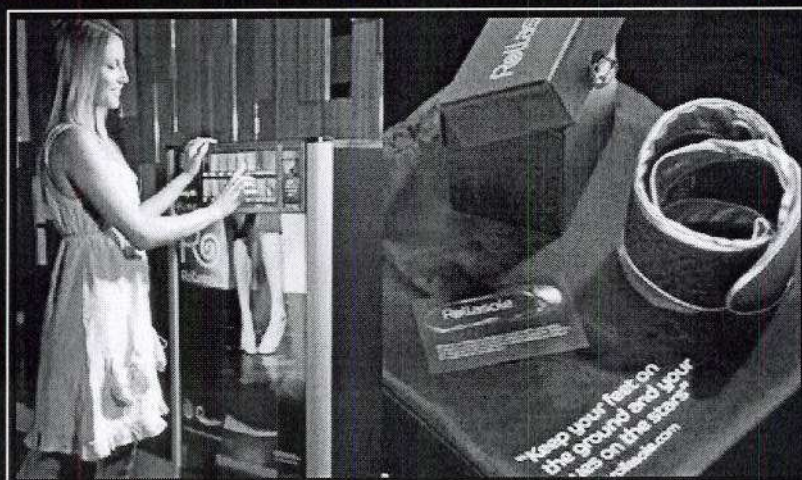
SYDNEY LOVES FASHION

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WEDNESDAY, JUNE 24, 2009

Rollasole Plans to Make U.S. Debut



If you've ever felt the pain of a long night wearing sky-high heels you can appreciate 27-year old Matt Horan's brilliant entrepreneurial idea of selling foldable shoes in vending machines outside nightclubs in the UK. According to BBC News, he came up with the Rollasoles idea after being inspired by a stiletto-loving girlfriend who constantly complained about her feet every time they went out. His solution was to create an comfortable shoe that was affordable (about \$8 USD) and chic. Even celebrity blogger Perez Hilton likes them! Rollasole currently has it's sights set on making a U.S. debut in New York, L.A. and Las Vegas. I can't wait!

Rollasoles come in 3 fashionable colors including black,

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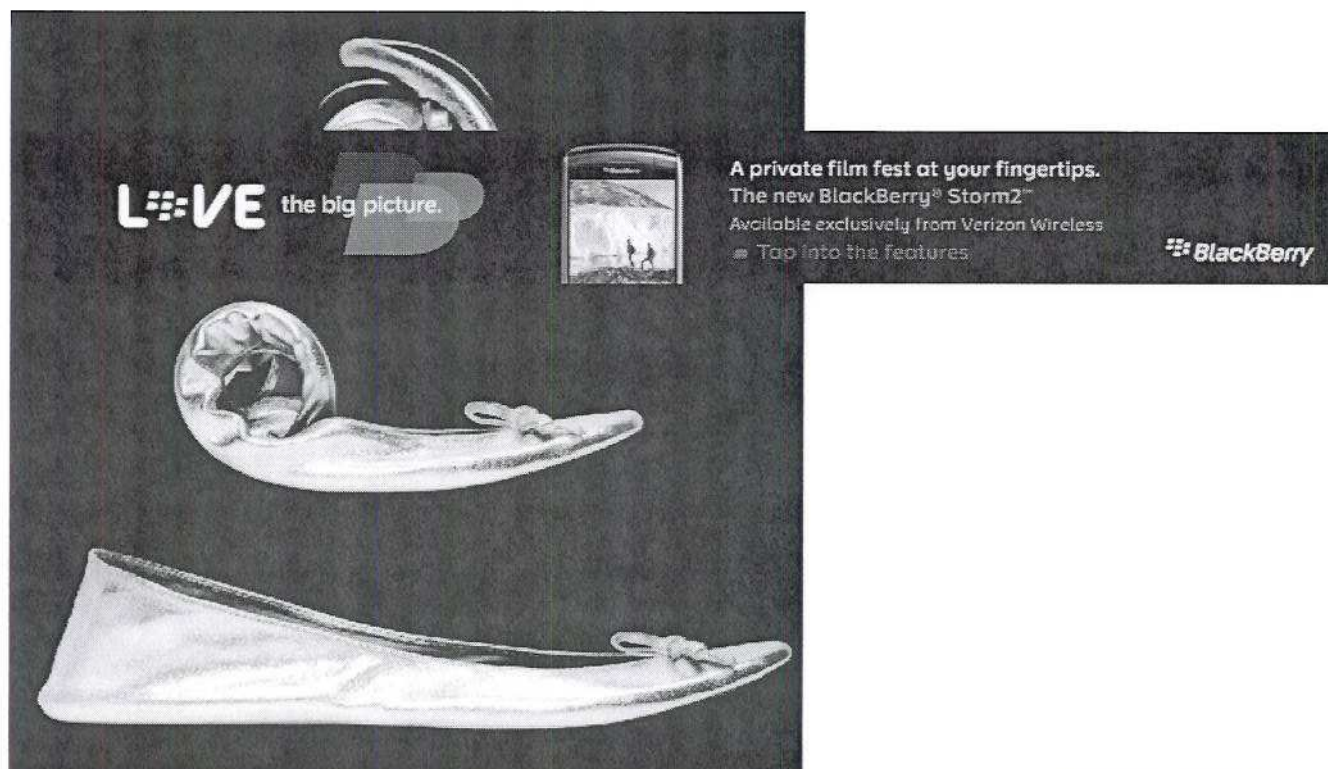
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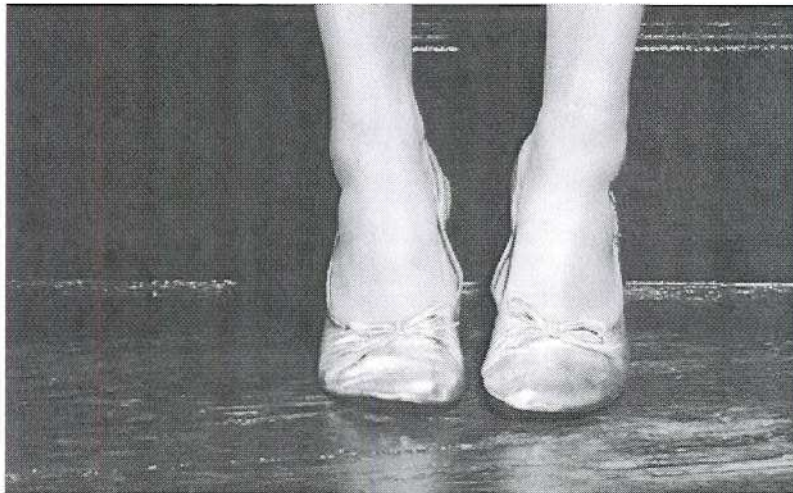
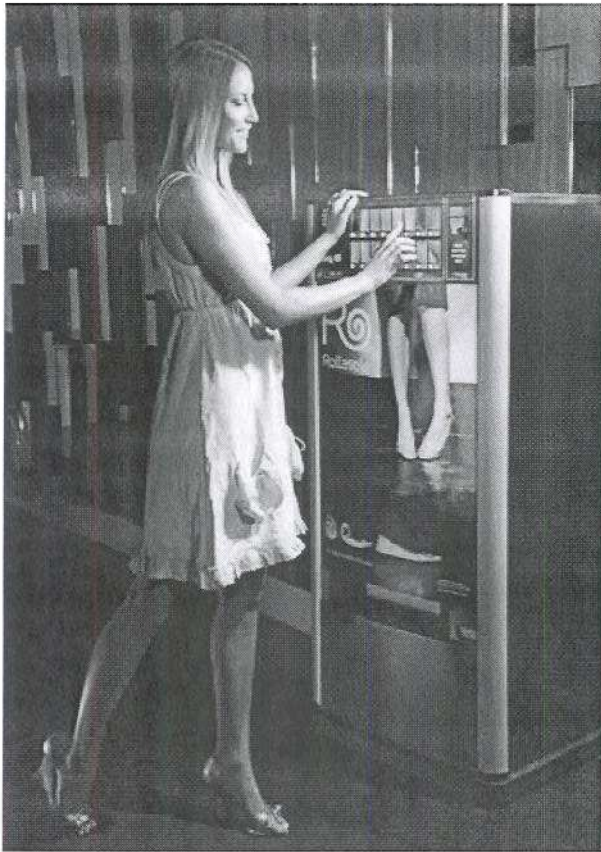
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Coqu GlamStyle[Home](#)[Coquette Maman](#)[Fashion](#)[Beauty](#)[Bags](#)[Shoes](#)[Gadgets & Tech](#)[Privacy Policy](#)**June 25, 2009****Rollasole: Vending Machine Flats to Save Stiletto-wearing Feet**

On NBC Nightly News last night, I caught a story about 27 year old UK entrepreneur, Matt Horan who started a company based off an ingenious idea. Rollasole is an emergency ballet flat sold in vending machine at UK clubs. For about 5 pounds (around 8 bucks), you can relieve your dancing or partying feet with these comfy and cute ballet flats that roll open and come complete with a little carry pouch (for you to tote around and use later!). Within 6 months of starting his business, Horan has sold thousands of Rollasoles and has expanded to the wedding/special occasions market. The next expansion? Over the pond, of course. Rollasole is coming soon to the U.S. to bring relief to our stiletto-wearing partying feet.

NBC hasn't posted this video segment on their site (and not sure if they will), but I've contacted them and will update this post if it happens.



[More on Rollasole at the London Evening Standard and Perez Hilton.](#)

You can follow @Rollasole on Twitter too.

Posted by Coquette on June 25, 2009 at 11:22 AM in Shoes | [Permalink](#)

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Aug 28, 2009 | Posted by: roboblogger

Rollasole strides out to US stores

Full story: [This is Hampshire](#)

Innovative shoe vending company Rollasole, which was founded in Southampton just over a year ago after a man grew fed-up with his girlfriend moaning about aching feet at the end of a night out, is now making tracks across the globe.

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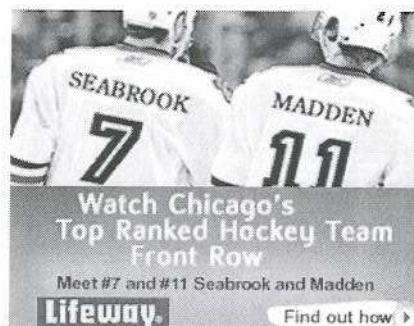
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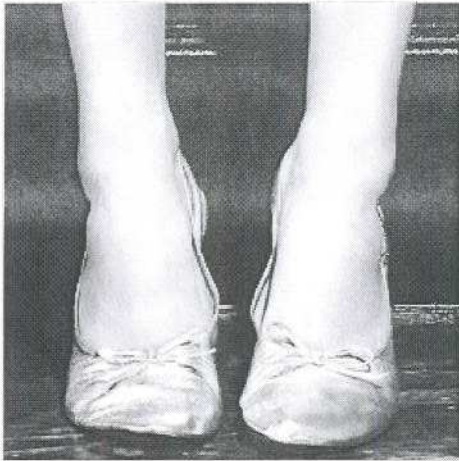
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Rollasole: the post-party shoe solution

Wed, Jun 17, 2009

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rollasole, slip into something more comfortable

All women rejoice. A revolution is coming. And it's born out of a simple, yet genius idea.

Once upon a time, there was a guy named Matt Horan who couldn't take any longer to piggyback his girlfriend back home every saturday night. After the fun, the dancing, the drinks, then came the hideous walk back home in fabulously high, painful heels. And when the walking was out of the question, Matt, our hero, was the one to carry her home.

Wouldn't it be great if she simply changed shoes once out of the club? But if carrying a pair of flats in a tiny evening clutch was not possible, here's the genius idea: a vending machine inside or just outside the disco that sells cute, cheap, and comfortable ballet flats.

The shoes come in 3 sizes (S, M and L) and in 3 colors: white, gold and silver and come with a matching bag (to carry your stilettos in). They are available in many trendy nightclubs in the U.K. but we're sure this idea will soon be exported to many other countries.

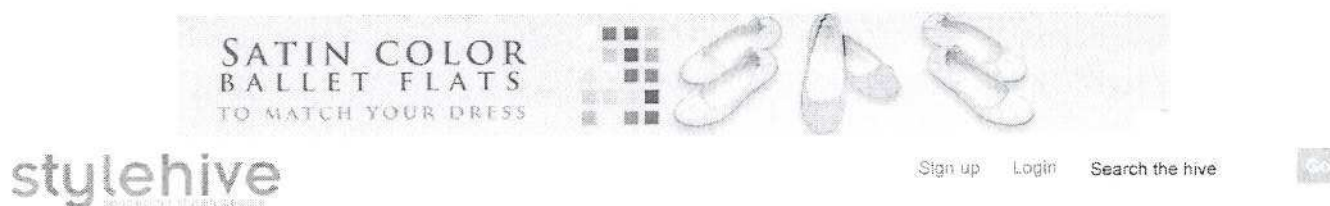
more info: Rollasole.com

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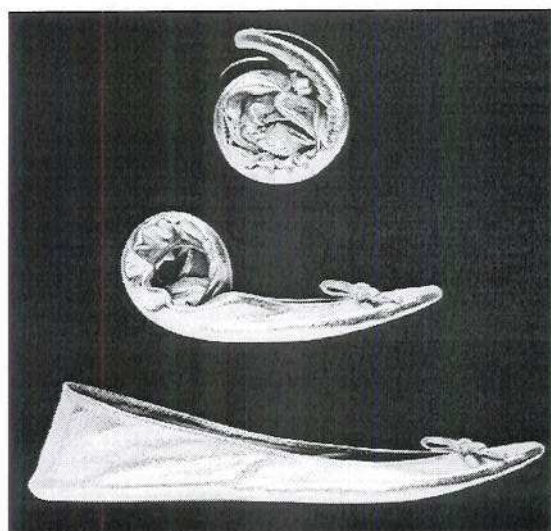


Rollasole: Vending Machine Flats To Save Stiletto-Wearing Feet - Stylehive

by Alex Gambardella · Jul 4, 2009 5:10 AM PDT



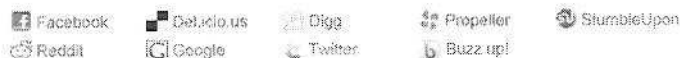
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On NBC Nightly News last week, I caught a story about 27-year-old UK entrepreneur Matt Horan who started a company based off an ingenious idea. Rollasole is an emergency ballet flat sold in vending machine at UK clubs. For about 5 pounds (around 8 bucks), you can relieve your dancing or partying feet with these comfy and cute ballet flats that roll open and come complete with a little carry pouch (for you to tote around and use later!). Within 6 months of starting his business, Horan has sold thousands of Rollasoles and has expanded to the wedding/special occasions market. The next expansion? Over the pond, of course. Rollasole is coming soon to the U.S. to bring relief to our stiletto-wearing partying feet. Read more on Rollasole at the London Evening Standard and Perez Hilton, and even follow them on Twitter – @Rollasole. Check out more fun fashion finds at Coquette!

Tags: ballerina flats, ballet flats, ballet shoes, club, clubs, flat, flats, london evening standard, matt horan, perez hilton, rollasole, shoes, twitter, uk, vending machines

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ROLLASOLE EMERGENCY BALLET

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I love wearing stilettos like any other girl, but I admit those things can be darn painful. I might be able to stand in them for about an hour or two, but if you're going to be dancing in them all night, you better be prepared to bring some Rollasole flats as a back up. Your beat up soles will thank you later.

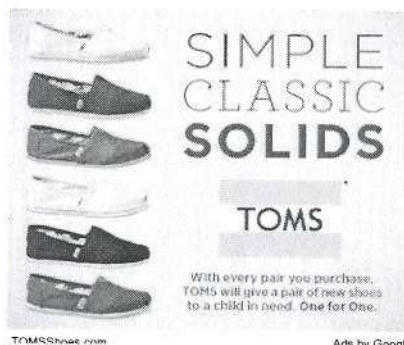
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Made with a really flexible sole, these cute emergency ballet flats will transform your sore toesies into happy feet. They come in a cute mini-shoebag, complete with a shoebag to store your high heels. Just unroll them and slip them on. Instead of constantly begging your friends to drag you home, you can now walk home comfortably. They come in gold, black, silver and pink, and they can be re-used too!

They're all the rage in the UK clubs right now, and they plan to sell them in the US soon. Goodbye pain, hello comfort!

Follow them on Twitter, and get them at www.rollasole.com. They ship all over the world.



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Posted by Tami Yu on August 4, 2009 11:11 PM | [Permalink](#)

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June 25, 2009...1:56 pm

Clever Idea—Rollasole

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So you're out boogieing the night away in your killer heels, you look hot, but you're not sure after abusing your feet all day—and now night—how you are going to make it home, unless it's barefoot.

Enter, Rollasole.

It's one of those, "Why didn't I think of that?" sort of inventions. A UK businessman came up with the idea to stock nightclubs with vending machines that offer rolled ballet slipper-style shoes to get you home in comfort and rest your weary soles.

They are around \$11 US dollars and according to NBC Nightly News, are popping up in many UK nightclubs. Rollasole's come in a range of colors from gold, silver, black—and their seemingly most popular, because they are sold out—pink.

During my swinging single days, there were many a night where I walked home barefoot, dangling my heels from my fingertips. I can imagine women buying shoes like these following an evening full of libation and hours of being propped up in their heels. Can't you?

No word as to when they are coming to the US, but you can [click here](#) to find out more information.

P.S. **They do ship to the US.**

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Filed under Shoes

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Heather

July 29, 2009 at 10:06 pm

you need to look at this company started by two sisters called Footzyrolls. They are coming out with new colors and styles and are currently selling in the US.

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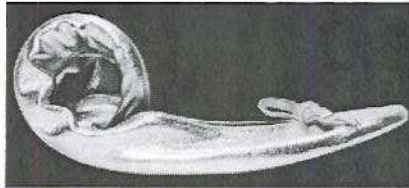
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Rollasole

Vending machines that dispense cute roll-up ballerina flats in the middle of a bar or night club for less than \$10/pair? 'Tis true in the UK (and hopefully coming to a bar near you in the U.S.). Until then, Rollasole's roll-up

leather flats are available online for an extra \$11 S&H, still making it an affordable purchase.

06.23.2009

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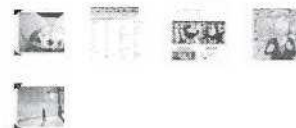
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Daily Buzz-Rollasole Shoes

Claire Perkins

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Don't you wish you could pack comfy little shoes in your little clutch when you go out?
Now you can!

Rollasole is already a huge hit overseas, and is on it's way to the US in 2010!

The little metallic (and black) flats are sold in special vending machines in the UK at nightclubs and hotspots. Girls in painful stilettos pick them up for about \$8 per pair, and stroll home in comfort and style.

Until they make their debut in the US, we can order via Rollasole.com - they ship internationally!

August 24, 2009

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written by Rachel, September 02, 2009

You can get them in the United States at www.footzyrolls.com. They are so fashionable and comfortable. Ships directly to you from the [United States](#).

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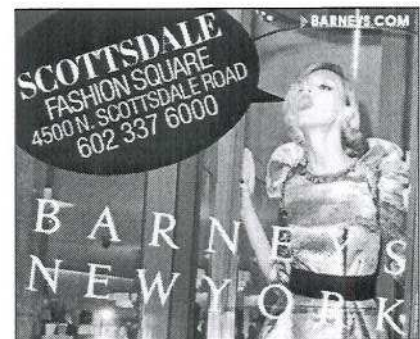
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